

REMARKS

The above amendments and these remarks are responsive to the Office action dated March 17, 2004. Claims 1-10 are pending in the application. In the Office action, the Examiner objected to claim 6 and rejected claims 1-10. In this response, Applicant has amended claim 6 to correct the informalities objected to in the Office action. Additionally, Applicant has amended claim 1 and cancelled claim 9. In view of the amendments above, and the remarks below, Applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

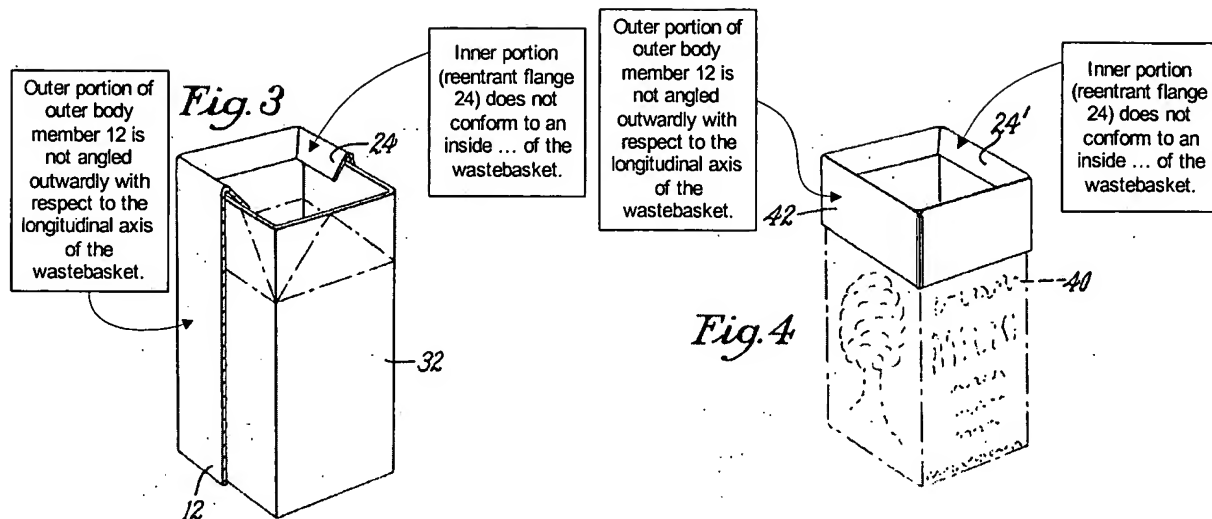
Rejections under 35 USC § 102

Claims 1-10 were rejected in the Office action as being anticipated by Traverse (3,741,434) and by Willis (3,944,110). In light of the amendments to claim 1, Applicant respectfully traverses these rejections. Applicant respectfully submits that both Traverse and Willis fail to disclose each and every element recited in claim 1.

Rejection based on Traverse ('434)

Applicant submits that Traverse fails to disclose "an outer wall angled outwardly with respect to the longitudinal axis of the wastebasket." Additionally, Applicant respectfully submits that Traverse fails to disclose "an inner wall adapted to conform to an inside of an upper portion of the wall of the wastebasket." The Office action relied on the figures in Traverse for the disclosure of the recited elements. As can be seen in Figures 3 and 4 of Traverse, reproduced below with annotations, Traverse fails to

disclose these recited elements.



In the Office action, the Examiner stated that "the outer wall is angled in relation to the inner wall outward" and that "the angle of the outer wall in relation to the outer wall of the wastebasket is zero." However, the figures clearly illustrate the inner wall as angled inwardly toward a longitudinal axis of the wastebasket. An outward angle with respect to the inner wall does not disclose or suggest an outward angle with respect to a longitudinal axis of the wastebasket.

Similarly, the angle between the outer wall of Traverse's outer body member and the outer wall of the wastebasket fails to disclose an outwardly angled outer wall as recited in claim 1. Assuming the outer wall of the wastebasket in Traverse is parallel with a longitudinal axis of the wastebasket, an angle of zero in relation to the outer wall of the wastebasket fails to disclose or suggest an outer wall that is "outwardly angled with respect to the longitudinal axis of the wastebasket." Even assuming *arguendo* that, numerically, zero is about one, outwardly angled is not the same as parallel. Accordingly, Applicant respectfully submits that Traverse fails to disclose or suggest

each of the elements recited in claim 1. Claims 2-8 and 10 depend from claim 1 and incorporate each of the elements recited therein. Applicant respectfully requests withdrawal of the rejection based on Traverse of claims 1-8 and 10.

Additionally, as illustrated in the annotated figures above, Applicant respectfully submits that Traverse fails to disclose or suggest "an inner wall adapted to conform to an inside ... of the wall of the wastebasket." As can be seen in Figure 3 of Traverse, the inner body member 10 is vertical and the reentrant flange 24 angles inwardly away from the inside surface of the inner body member 10. Accordingly, the reentrant flange 24 does not conform to the inner body member 10. For this additional reason, Applicant respectfully requests withdrawal of the rejection based on Traverse of claims 1-8 and 10.

Rejection based on Willis ('110)

Applicant respectfully submits that Willis fails to disclose each and every element recited in claim 1. Specifically, Willis fails to disclose "an inner wall ... adapted to form a trash-receiving opening." The Office Action relied on the embodiment illustrated in Figures 1 and 2 of Willis for disclosure of the recited inner wall, outer wall, and bridging portion. However, these Figures illustrate that the upper container 20 relied upon in the Office action is a bowl-shaped container 22 that fails to disclose or suggest an opening passing through to the base container 10.

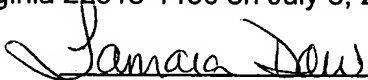
The specification of Willis explains that the purpose behind the disclosed apparatus is to provide a combined ash and trash receptacle. Such a use requires that the upper and base containers be separate and that there be no communication between the upper container and the lower container for material deposited in the upper

container. Furthermore, there is no suggestion to modify Willis to include such an opening because doing so would create a fire hazard with ashes and trash deposited in the same container. Accordingly, Applicant respectfully submits that Willis fails to disclose each of the elements recited in claim 1. Claims 2-8 and 10 depend from claim 1 and incorporate each of the elements recited therein. Applicant respectfully requests withdrawal of the rejection based on Willis of claims 1-8 and 10.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephonic interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 8, 2004.


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Respectfully submitted,

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